

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Abatement Service Operations, Inc.  
168 Millar Avenue  
El Cajon, California 92020

EPA ID No. CAL000827827

Respondent

Docket No. HWCA 2004-0626

CONSENT ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and Abatement Service Operations, Inc. (Respondent) enter into this Consent Order and agree as follows:

1. The Respondent operated as a registered hazardous waste hauler, (Transporter registration No. 3301.) This registration has lapsed and has not been renewed.

2. The Department conducted a transporter inspection of the respondent's facility, on September 30, 2004.

3. The Department alleged the following violations:

3.1. The Respondent violated California Health and Safety Code section 25201(a) and California Code of Regulations, title 22, section 66263.18, in that on or about September 30, 2004, Respondent held hazardous waste at its transfer facility for more than ten days without authorization from the Department.

3.2. The Respondent violated California Code of Regulations, title 22, section 66262.30 and 66263.16 in that on or about September 30, 2004, Respondent improperly handled approximately 35-bags of lead based paint related material and debris causing torn or damaged bags that were exposed to the elements.

3.3. The Respondent violated California Code of Regulations, title 22, section 66262.31 in that on or about September 30, 2004, Respondent failed to label or clearly mark approximately 35- bags of lead based paint related material and debris and four 55-gallon metal drums containing Reportable Quantities of Resource Conservation and Recovery Act (RCRA) hazardous waste.

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

8. Respondent does not admit the violations alleged above.

#### SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1. Respondent has corrected the violations cited above.

9.2. Respondent agrees, as a condition of this Consent Order, that the Respondent will not engage in the transportation of hazardous waste as a registered hauler, for a period of five years.

10. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously:

To: Yvonne Sanchez,  
Branch Chief  
Southern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

To: Juan Jimenez, Chief  
Border Unit  
Southern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
9174 Sky Park Court, Suite 150  
San Diego, California 92123

10.1. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.2. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.3. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.4. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

### PAYMENTS

11. Respondent shall pay a penalty of \$14,000.00. Of this amount, \$4,000.00 is to be paid to the Department of Toxic Substances Control as a fine. In addition, the sum of \$5,000.00 is being waived by the DTSC on condition that Respondent refrain

from engaging in the business of hazardous waste hauling for five years from the effective date of this Consent Order.

The remaining \$5,000.00 will be waived in its entirety on condition that Respondent send one or more employees to the California Compliance School (Modules I - IV). Attendance must be completed, and the Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 90-days of the date of this Consent Order. If Respondent does not provide evidence of such training within 90-days of the effective date of this Consent Order, Respondent shall pay the additional \$5,000.00 to the Department as a penalty.

If the Respondent fails to submit the certificate as required, the penalty of \$5,000 is due and payable within 30-days after the 90-day period expires. The 90-day period may be extended by a Department Branch Chief upon a written request demonstrating good cause from the Respondent.

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the checks shall be sent:

To: Yvonne Sanchez,  
Branch Chief  
Southern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

To: Juan Jimenez, Chief  
Border Unit  
Southern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
9174 Sky Park Court, Suite 150  
San Diego, California 92123

11.1. If Respondent fails to make the payments as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

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12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: December 12, 2005

Original signed by Jon B. Ammon

Jon B. Ammon

President

Abatement Service Operations, Inc.

Dated: December 12, 2005

Original signed by Juan Manuel Jimenez

Juan Manuel Jimenez, Chief

Border Unit

Southern California Branch

Statewide Compliance Division

Department of Toxic Substances Control